

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

October 3, 2005

**SPECIAL NOTICE - Revised**

**Re: Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 (May 11, 2005)**

This is a notice to the District Courts within the Circuit, as well as to concerned parties, regarding the preferred procedure for transferring cases from the district courts to the court of appeals in the aftermath of the Real ID Act of 2005, enacted May 11, 2005. It is suggested that the district courts:

1. Allow the parties the opportunity to stipulate to, or brief the propriety of, transfer.
2. If the district court agrees that the case is appropriate for transfer, the district court should issue an order expressly transferring appropriate cases, or portions of them, to the Ninth Circuit Court of Appeals as a *Petition for Review*.
3. In its transfer order, the district court should inform this court whether the petitioner ever sought a stay of removal from the district court and what the district court's decision was, if any, on the stay request.
4. The district court clerks are requested to transmit the entire case file to the Court of Appeals, simultaneous with the transfer order. If only a portion of the case is transferred, the parties should make arrangements with the district court clerk's office to have a copy of the record forwarded to the Court of Appeals. The parties will be given an opportunity to notify this Court whether or not the Certified Administrative Record (CAR) is needed for resolution of the transferred case.
5. If a stay of removal had been requested by the petitioner in the district court at any time during the proceedings, then, absent further order of this Court, the district court's order transferring a case to this court as a petition for review shall trigger the temporary stay of removal contemplated by this court's General Order 6.4 which will become effective upon the filing of the petition for review in this court. If the district court granted the stay, it will continue in this court absent further order. If the district court denied the request for a stay, the temporary stay triggered by the transfer will dissolve 21 days from the date of transfer absent petitioner's filing of a motion for appropriate relief in this court.

6. On opening the case and after reviewing the stay related issues, this court will issue an order directing the transferred parties on how to proceed further.

By direction of the Court Executive Committee:

Cathy A. Catterson  
Clerk of Court